

# Order

Michigan Supreme Court  
Lansing, Michigan

December 21, 2007

Clifford W. Taylor,  
Chief Justice

130442

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

FLORENCE SHORT, Personal  
Representative of the Estate of  
JONATHON CROSS, Deceased,  
Plaintiff-Appellant,

v

SC: 130442  
COA: 256423  
Jackson CC: 03-002370-NI

AUDBERTO C. ANTONINI, M.D.,  
ADDIE JO BRISKIE, R.N., ANITA  
YOUNG, R.N., DUANE WATERS  
HOSPITAL, and OAKS CORRECTIONAL  
FACILITY,  
Defendants-Appellees.

---

By order of April 6, 2007, the application for leave to appeal the December 20, 2005 judgment of the Court of Appeals was held in abeyance pending the decision in *Mullins v St Joseph Mercy Hosp* (Docket No. 131879). On order of the Court, the case having been decided on November 28, 2007, \_\_\_ Mich \_\_\_ (2007), the case is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals with regard to its affirmance of the trial court's grant of summary disposition to defendant Antonini on the basis of *Waltz v Wyse*, 469 Mich 642 (2004), and REMAND this case to the Jackson Circuit Court for entry of an order denying defendant Antonini's motion for summary disposition and for further proceedings not inconsistent with this order and the order in *Mullins*. In all other respects, leave to appeal is DENIED because we are not persuaded that the remaining question presented should be reviewed by this Court.



11218

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 21, 2007

*Corbin R. Davis*

Clerk